

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
CENTRAL DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. BENJAMIN T. FLUTE, a/k/a Benjamin T. Flute, Defendant.	3:20-CR-30159-RAL 3:18-CR-30159-RAL SENTENCING SCHEDULING ORDER
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Defendant Benjamin T. Flute appeared before Magistrate Judge Mark Moreno for a change of plea hearing on July 15, 2021. Judge Moreno issued a Report and Recommendation recommending that the Court accept Defendant's plea of guilty to the Count as alleged in the Indictment in 20-CR-30159, and accept the admission to Paragraphs 2 and 3 of the Amended Petition to Revoke Supervised Release, Doc. 46, in 18-CR-30159. For good cause, it is hereby

ORDERED that this Court adopts the Report and Recommendation, Doc. 28, the plea of guilty is accepted, and Defendant is adjudged guilty of the Count as alleged in the Indictment in 20-CR-30159, and the admission to Paragraphs 2 and 3 of the Amended Petition to Revoke Supervised Release, Doc. 46, in 18-CR-30159 are accepted. It is further

ORDERED that the draft presentence report shall be filed by the Probation Office in CM/ECF using the Draft Presentence Report event by **September 8, 2021**. It is further

ORDERED that any objection to the presentence report and notice of intent to seek a departure by either the Government or the Defendant shall be filed by counsel in CM/ECF using

the Objections to Presentence Report event by **September 22, 2021**. If counsel has no objections to the presentence report, counsel should indicate such by using the Notice of No Objections to Presentence Report event. It is further

ORDERED that all letters of support shall be filed by counsel in CM/ECF using the Sealed Letter(s) of Support event by **September 29, 2021**. All letters of support shall be legibly scanned as one document and not scanned as separate documents. It is further

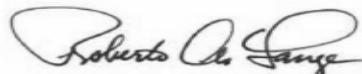
ORDERED that the final presentence report shall be filed by the Probation Office in CM/ECF using the Final Presentence Report event by **October 6, 2021**. An addendum setting forth any unresolved objections, the grounds for those objections, and the probation officer's comments on those objections shall also be filed in CM/ECF using the Addendum to Final Presentence Report event. It is further

ORDERED that any Sentencing Memorandum and Motion for Departure or Variance shall be filed in CM/ECF by **October 13, 2021**. It is further

ORDERED that the sentencing hearing and any necessary evidentiary hearing regarding sentencing shall be held on **Monday, October 18, 2021, at 1:00 p.m.**, in the Courtroom of the U.S. Courthouse in Pierre, South Dakota.

DATED this 20th day of July, 2021.

BY THE COURT:



ROBERTO A. LANGE
CHIEF JUDGE